

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ILISA R. THOMAS	:	CIVIL ACTION
	:	
v.	:	
	:	
ST. MARY MEDICAL CENTER, et al.	:	NO. 13-3219

**ORDER**

AND NOW, this 23rd day of May, 2014, IT IS HEREBY ORDERED that:

1. For the reasons set forth in the accompanying memorandum, the defendants' motion to dismiss (Dkt. 7) is DENIED as to Count 1.
2. The motion to dismiss is GRANTED IN WHOLE or IN PART as follows:
  - a. Counts 2, 4, 8, 9, 10, 11, 12, 14 and 15 are DISMISSED WITH PREJUDICE.
  - b. Count 3 is DISMISSED WITH PREJUDICE against defendant Marino.  
That count remains against defendants St. Mary Medical Center and Freiberg.
  - c. Counts 5, 6, and 7 are DISMISSED WITHOUT PREJUDICE against defendants St. Mary Medical Center, Marino, and Sibel.<sup>1</sup> These counts are DISMISSED WITH PREJUDICE against defendant Freiberg.
  - d. Count 13 is DISMISSED WITH PREJUDICE as to the claim for disability discrimination against all defendants. Count 13, as to the claim for race

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<sup>1</sup> If Thomas amends her complaint to assert these claims under the FMLA, she is prohibited from seeking punitive damages.

discrimination, is DISMISSED WITH PREJUDICE against the individual defendants, but remains against St. Mary Medical Center.

e. Count 16 is DISMISSED WITH PREJUDICE against defendants Sibel and Marino. This claim remains against defendant Freiberg because the race discrimination claim under the PHRA in Count 13 is not dismissed.

3. Plaintiff's requests for punitive damages in Counts 13 and 16 are STRICKEN.

4. Thomas shall have 20 days from the date of this order to file an amended complaint as to Counts 5, 6, and 7 only. Defendants shall respond within 14 days of the filing of the amended complaint, or if no amended complaint is filed, 14 days from the date it should have been filed.

BY THE COURT:

//s/ J. William Ditter, Jr.

J. WILLIAM DITTER, JR., J.